

Notice of Allowability

Application No.

08/892,836

Examiner

George Nguyen

Applicant(s)

SKEEM ET AL.

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed on May 20, 2004.
2. ☒ The allowed claim(s) is/are 1,3-13,15-26 and 28-34.
3. ☒ The drawings filed on 15 July 1997 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached.
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 08/03/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

George Nguyen
Primary Examiner

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Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Mary Porter on August 3, 2004.

The application has been amended as follows:

Canceled claims 2, 14, and 27 without disclaimer or prejudice.

In claim 1, line 9, after "consisting of" deleted "bonded superabrasive grains" and substitute thereof "chemically bonded superabrasive grains and having no associated tooth portion". Line 10, after "comprising" inserted "chemically".

In claim 13, line 8, after "consisting of" deleted "bonded superabrasive grains" and substitute thereof "chemically bonded superabrasive grains and having no associated tooth portion". Line 9, after "comprising" inserted "chemically".

In claim 30, line 7, after "consisting of" deleted "bonded abrasive grains" and substituted thereof "chemically bonded superabrasive grains and having no associated tooth portion".

2. The following is an examiner's statement of reasons for allowance: the specific limitations of "a first uppermost cutting level consisting of chemically bonded superabrasive grains and having no associated tooth portion" in the combination as claimed in claim 1, "the cutting levels comprising a first uppermost cutting level;

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consisting of chemically bonded abrasive grains and having no associated tooth portion” in the combination as claimed in claim 13, “and at least a portion of the abrasive grains are bonded to the face having the negative angle of inclination” in the combination as claimed in claim 28, and “the cutting levels comprising a first uppermost cutting level consisting of chemically bonded superabrasive grains and having no associated tooth portion” in the combination as claimed in claim 30 are not anticipated nor made obvious by the prior art of record.

In the telephonic interview with Ms. Mary Porter, it was agreed that the amended language of “uppermost cutting level consisting of chemically bonded superabrasive grains and having no associated tooth portion” in claims 1, 13, and 30, and with the disclosure on page 12 of the specification, the uppermost cutting level is defined as reference number 22 shown in Figure 7 as the level bonded on the entire top of each tooth 33, the amended limitation of “consisting of ... no tooth portion” distinguishes over the Asada reference, wherein the Asada reference does not teach nor suggest an upper cutting level of grains located on the entire top surface 7a of the teeth (Fig. 6, col. 3, lines 38-46).

Regarding to 28, the Board affirmed the allowability of the “negative angle of inclination” limitations in their decision filed on September 20, 2002.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

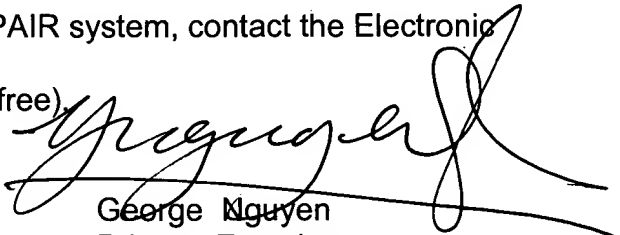
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Nguyen whose telephone number is 703-308-0163. The examiner can normally be reached on Monday-Friday/630AM-300PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George Nguyen
Primary Examiner



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GN – July 27, 2004